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PUBLIC LAW 100-204—DEC. 22, 1987

101 STAT. 1331

Public Law 100-204
100th Congress

An Act

To authorize appropriations for fiscal years 1988 and 1989 for the Department of State, the United States Information Agency, the Voice of America, the Board for International Broadcasting, and for other purposes.

Dec. 22, 1987
[H.R. 1777]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Foreign Relations Authorization Act, Fiscal Years 1988 and 1989”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Foreign Relations Authorization Act, Fiscal Years 1988 and 1989. 22 USC 2651 note.

Sec. 1. Short title and table of contents.

TITLE I—THE DEPARTMENT OF STATE

PART A—AUTHORIZATION OF APPROPRIATIONS; ALLOCATIONS OF FUNDS; RESTRICTIONS

- Sec. 101. Administration of Foreign Affairs.
- Sec. 102. Contributions to International Organizations and Conferences; International Peacekeeping Activities.
- Sec. 103. International Commissions.
- Sec. 104. Migration and refugee assistance.
- Sec. 105. Other programs.
- Sec. 106. Reduction in earmarks if appropriations are less than authorizations.
- Sec. 107. Transfer of funds.
- Sec. 108. Compliance with Presidential-Congressional summit agreement on deficit reduction.
- Sec. 109. Prohibition on use of funds for political purposes.
- Sec. 110. Latin American and Caribbean data bases.

PART B—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES; FOREIGN MISSIONS

- Sec. 121. Reprogramming of funds appropriated for the Department of State.
- Sec. 122. Consular and diplomatic posts abroad.
- Sec. 123. Closing of diplomatic and consular posts in Antigua and Barbuda.
- Sec. 124. Report on expenditures made from appropriation for emergencies in the diplomatic and consular service.
- Sec. 125. Requirements applicable to gifts used for representational purposes.
- Sec. 126. Protection of historic and artistic furnishings of reception areas of the Department of State building.
- Sec. 127. Inclusion of coercive population control information in annual human rights report.
- Sec. 128. Limitation on the use of a foreign mission in a manner incompatible with its status as a foreign mission.
- Sec. 129. Allocation of shared costs at missions abroad.
- Sec. 130. Prohibition on the use of funds for facilities in Israel, Jerusalem, or the West Bank.
- Sec. 131. Purchasing and leasing of residences.
- Sec. 132. Prohibition on acquisition of house for Secretary of State.
- Sec. 133. United States Department of State freedom of expression.
- Sec. 134. Repeal of Office of Policy and Program Review.
- Sec. 135. Studies and planning for a consolidated training facility for the Foreign Service Institute.
- Sec. 136. Restriction on supervision of Government employees by chiefs of mission.
- Sec. 137. Study and report concerning the status of individuals with diplomatic immunity in the United States.
- Sec. 138. Federal jurisdiction of direct actions against insurers of diplomatic agents.
- Sec. 139. Enforcement of Case-Zablocki Act requirements.



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- Sec. 140. Annual country reports on terrorism.
- Sec. 141. Restriction on use of funds for public diplomacy efforts.
- Sec. 142. Authority to invest and recover expenses from international claims settlement funds.

PART C—DIPLOMATIC RECIPROcity AND SECURITY

- Sec. 151. United States-Soviet Embassy Agreement; prohibition on use of Mt. Alto Site.
- Sec. 152. Recovery of damages incurred as a result of Soviet intelligence activities directed at the new United States Embassy in Moscow.
- Sec. 153. United States-Soviet reciprocity in matters relating to embassies.
- Sec. 154. Report on personnel of Soviet state trading enterprises.
- Sec. 155. Personnel security program for embassies in high intelligence threat countries.
- Sec. 156. Accountability Review Boards.
- Sec. 157. Prohibition on certain employment at United States diplomatic and consular missions in Communist Countries.
- Sec. 158. Termination of retirement benefits for foreign national employees engaging in hostile intelligence activities.
- Sec. 159. Report on employment of foreign nationals at foreign service posts abroad.
- Sec. 160. Construction security certification.
- Sec. 161. Protection from future hostile intelligence activities in the United States.
- Sec. 162. Application of travel restrictions to personnel of certain countries and organizations.
- Sec. 163. Counterintelligence polygraph screening of Diplomatic Security Service personnel.
- Sec. 164. United States Embassy in Hungary.

PART D—PERSONNEL MATTERS

- Sec. 171. Commission to study Foreign Service personnel system.
- Sec. 172. Protection of Civil Service employees.
- Sec. 173. Compensation for certain State Department officials.
- Sec. 174. Audit of merit personnel system of Foreign Service.
- Sec. 175. Performance pay.
- Sec. 176. Extension of limited appointments.
- Sec. 177. Chief of missions salary.
- Sec. 178. Pay level of ambassadors at large.
- Sec. 179. Foreign Service career candidates tax treatment.
- Sec. 180. Prohibition on member of a Foreign Service union negotiating on behalf of the Department of State.
- Sec. 181. Clarification of jurisdiction of foreign service grievance board.
- Sec. 182. Record of grievances awarded.
- Sec. 183. Women and minorities in the Foreign Service.
- Sec. 184. Compliance with law requiring reports to Congress.
- Sec. 185. Changes in reporting requirements.
- Sec. 186. Disposition of personal property abroad.
- Sec. 187. Authorities for service of Fascell fellows.
- Sec. 188. Benefits for certain former spouses of members of the Foreign Service.

TITLE II—UNITED STATES INFORMATION AGENCY

- Sec. 201. Authorization of appropriations; allocation of funds.
- Sec. 202. Funds appropriated for the United States Information Agency.
- Sec. 203. Receipts from English-teaching and library programs.
- Sec. 204. USIA posts and personnel overseas.
- Sec. 205. Forty-year leasing authority.
- Sec. 206. United States Information Agency programming on Afghanistan.
- Sec. 207. Television service of the United States Information Agency.
- Sec. 208. Limitation on Worldnet funding.
- Sec. 209. Audience survey of Worldnet program.
- Sec. 210. National Endowment for Democracy.
- Sec. 211. Separate accounts for NED grantees.
- Sec. 212. NED treatment of independent labor unions.
- Sec. 213. United States Advisory Commission on Public Diplomacy.
- Sec. 214. Distribution within the United States of USIA film entitled "America The Way I See It".
- Sec. 215. Availability of certain USIA photographs for distribution within the United States by the Department of Defense.
- Sec. 216. USIA undergraduate scholarship program.

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the President makes the determinations and waiver under subsection (c).

(c) WAIVER.—

(1) PRESIDENTIAL DETERMINATIONS REQUIRED.—The President may waive subsection (b) if he determines that—

(A) it is vital to the national security of the United States that the United States not withdraw from the agreement (and related agreements, notes, and understandings) referred to in subsection (b);

(B) steps have been or will be taken that will ensure that the new chancery building to be occupied by the United States Embassy in Moscow can be safely and securely used for its intended purposes; and

(C) steps have been or will be taken to eliminate, no later than 2 years after the date of enactment of this Act, the damage to the national security of the United States due to electronic surveillance from Soviet facilities on Mount Alto.

(2) WHEN DETERMINATIONS MAY BE MADE.—The President may not make the determination and waiver permitted by paragraph (1) before the end of the 6-month period beginning on the date of enactment of this Act.

(3) REPORT TO CONGRESS.—The waiver permitted by paragraph (1) shall not be effective until 30 days after the determinations and waiver are reported to the Congress. Any such report shall include—

(A) a detailed justification for each of the determinations;

(B) an assessment of the impact on national security of the removal of the Soviet Embassy from Mt. Alto; and

(C) specify the steps that have been or will be taken to achieve the requirements of paragraphs (1) (B) and (C).

(4) NONDELEGATABILITY.—The President may not delegate the responsibility for making the determination and waiver permitted by paragraph (1).

(d) NOTIFICATION OF UNAVAILABILITY OF MOUNT ALTO.—If the President does not waive subsection (b), the Secretary of State shall notify the Government of the Union of Soviet Socialist Republics that the Mount Alto site will cease to be available to that Government for any purpose as of the date which is 1 year and 10 days after the earliest date on which the President could make the waiver under subsection (c).

(e) PROHIBITION ON FUTURE USE OF MOUNT ALTO SITE BY FOREIGN MISSIONS.—If subsection (b) takes effect, the Mount Alto site may not be made available for use thereafter by a foreign mission for any purpose.

SEC. 152. RECOVERY OF DAMAGES INCURRED AS A RESULT OF SOVIET INTELLIGENCE ACTIVITIES DIRECTED AT THE NEW UNITED STATES EMBASSY IN MOSCOW.

It is the sense of the Congress that the arbitration process between the United States and the Union of Soviet Socialist Republics, which is currently under way with respect to damages arising from delays in the construction of the new United States Embassy in Moscow, should include Soviet reimbursement of the full costs incurred by the United States as a result of the intelligence activities of the Soviet Union directed at the new United States Embassy in Moscow.

President of U.S.

President of U.S.